

REMARKS

In the Official Action mailed on October 27, 2004, the Examiner has rejected claims 1 –
5 39. Claims 1 – 10, 12 – 21, 23 – 34 and 36 – 39 have been rejected under 35 U.S.C. 102(e) as
being anticipated by United States Patent 6,752,671 (Ishigaki et al.). Claims 11, 22 and 35 have
been rejected under 35 U.S.C. 103(a) as being unpatentable over Ishigaki et al.

Before discussing the changes made to the claims of the subject patent application,
applicants will first discuss what they perceive to be significant errors made by the Examiner in
10 his assessment of the Ishigaki et al. patent.

In the discussion of the Ishigaki et al. patent, the Examiner states that "...a clutch,
defined as Part #15...". In this description, the Examiner makes a selectively advantageous
mischaracterization of the device described in the Ishigaki et al. patent. In this cited reference,
reference numeral 15 is used to describe a "gear case 15". It is definitely not a "clutch" as
15 asserted by the Examiner. Furthermore, applicants have performed a word search of the entire
Ishigaki et al. patent and the word "clutch" does not appear a single time in any portion of that
reference. This is not surprising since the Ishigaki et al. patent does not contain a clutch of any
kind. In fact, a careful review of the Ishigaki et al. patent shows that it neither teaches nor
suggests the use of a clutch of any kind. Furthermore, it does not contain any statement that
20 appears to imply the applicability of a clutch for any purpose whatsoever in conjunction with its
teaching. Therefore, applicants respectfully contend that the application of the Ishigaki et al.
patent and its interpretation by the Examiner are improper and should be withdrawn.

In view of the above discussion, the nonexistent clutch in the Ishigaki et al. patent cannot
be "connected between said impeller and said output shaft" as asserted by the Examiner.

25 With regard to the rejection under 35 U.S.C. 103, the Examiner states that, although the
Ishigaki et al. patent clearly does not discuss an electric water pump, "the Examiner takes official
notice that the use of electric water pumps with marine propulsion systems is known in the art."
Applicants have worked in the field of marine propulsion systems for many years and the
assignee of the subject patent application has been in the business of marine propulsion systems
30 since 1939. No knowledge by the applicants regarding the known use of electronic water pumps
in marine propulsion systems exists. Applicants have searched and have not found prior art
showing the use of electric water pumps in marine propulsion systems. If such evidence exists,

applicants respectfully request Examiner to direct applicants' attention to examples where this use of electric water pumps in marine propulsion systems is known to those skilled in the art.

In the Official Action, the Examiner concludes that it would have been obvious for one of ordinary skill in the art to utilize an electric water pump instead of a "positive displacement water pump" as disclosed in Ishigaki et al. Applicants respectfully restate their request for an example of the obviousness of using an electric water pump in a marine propulsion system and, in addition, respectfully request Examiner's identification of the portion of the Ishigaki et al. teaching that discloses that its water pump 28 is a "positive displacement water pump". While applicants do not contend that they can prove that the water pump 28 is not a positive displacement water pump, they respectfully question Examiner's ability to conclude that Ishigaki et al. discloses the fact that its water pump is a positive displacement water pump. Applicants have not been able to find this terminology anywhere in the Ishigaki et al. patent. Furthermore, since the Ishigaki et al. patent clearly teaches a water pump 28 that is driven directly by the crankshaft of the engine, applicants respectfully contend that it is improper to then conclude that the opposite (e.g. use of an electric water pump) is obvious in view of the teaching of the Ishigaki et al. patent. To the contrary, the Ishigaki et al. patent teaches directly away from the use of an electric water pump and does not provide any suggestion that its crankshaft driven pump 28 could be replaced by an electric water pump.

The Examiner has selected the Ishigaki et al. patent as a reference to reject all of the claims of the subject patent application. That reference neither teaches nor suggests the use of a clutch to disengage the impeller of the marine propulsion system nor does it teach or suggest the use of an electric pump. In fact, by showing no method for disengaging the impeller from the engine, it clearly teaches away from the use of a clutch. Also, by teaching the use of a crankshaft driven water pump 28, it teaches directly away from the use of an electric pump.

With reference to the claims of the subject patent application, which are amended as shown above, applicants direct Examiner's attention to the fact that claim 1 has been amended to include the recitation of a clutch. This clearly places claims 1 – 15 in allowable form and describes a system which is neither taught nor suggested by the Ishigaki et al. patent. Claim 16 has been amended to particularly specify that the water pump is an electric water pump. Claims 17 – 19, 21 and 24 – 26 have been amended to conform with this change. In addition, claim 22 has been canceled.

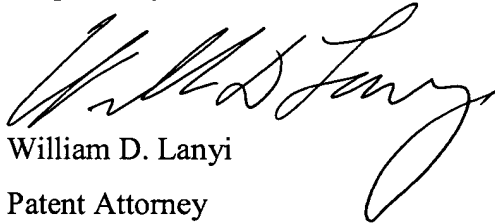
Claim 30 has been amended to explicitly recite the existence of the clutch in the system.
Claim 36 has accordingly been canceled.

Applicants respectfully contend that the changes described above place claims 1 – 11, 13 – 21, and 23 – 35, and 37 – 39 in allowable form.

Applicants intend to provide formal drawings after receipt of the Notice of Allowance to replace the originally filed drawings which, although determined by the Examiner to be suitable for prosecution, are informal.

In view of the changes made to the claims of the subject patent application and in further view of the above discussion, applicants respectfully request Examiner's reconsideration of the subject patent application and expeditious allowance of the remaining claims.

Respectfully Submitted,



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